

RAIL CROSSING
CROSSROAD

WELCOME TO

City of Fort Stockton
Home Rule Charter



Certification of City Charter



STATE OF TEXAS §

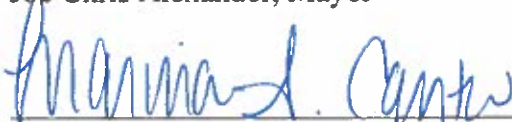
COUNTY OF PECOS §

Before me, the undersigned notary, on this day, personally appeared **Joe Chris Alexander, Mayor**, for the City of Fort Stockton, a person whose identity is known to me. After I administered an oath to him, upon his oath, he certified the attached City Charter is a true and correct copy of the City Charter of the City of Fort Stockton approved by the voters in the November 2022 Special Election, **Resolution No. 22-116R** canvassing the results of said election and **Resolution No. 22-117R** ordering the adoption of the Charter.

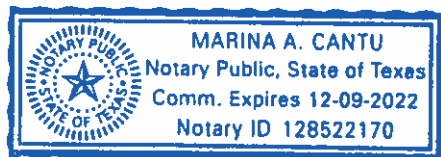
GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the **15th day of November 2022**.



Joe Chris Alexander, Mayor



Marina A. Cantu, Notary Public-State of Texas



RESOLUTION NO. 21-116R

CANVASS OF ELECTION RETURNS

WHEREAS, the City Council of the City of Fort Stockton, Texas (the "City"), duly authorized a City **Special Election** to be held on November 8, 2022 within Fort Stockton, for the purpose of submitting to resident qualified voters of the city to vote on the following proposition:

SPECIAL ELECTION:

THE ADOPTION OF A HOME RULE CHARTER FOR THE CITY OF FORT STOCKTON.

WHEREAS, the City Council has investigated all matters regarding said election: &

WHEREAS, the Election Officers who held said election have duly made the returns of the results thereof and said returns have been duly delivered to City Council.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT STOCKTON, TEXAS THAT:

Section 1. FINDINGS:

It is officially found and determined that said election was duly ordered, proper notice thereof was duly given, election officers were duly appointed prior to said election, said election was duly and lawfully held, due returns on the results of said election have been made, delivered the City Council has duly canvassed said returns all in accordance with law and other calling said election.

Section 2. RESULTS DECLARED:

It is officially found and determined that **1,996 votes** were cast at said election for the purpose of **Authorizing the Adoption of a Home Rule Charter for the City of Fort Stockton** by the resident qualified voters of the city who voted at said election:

HOME RULE CHARTER:

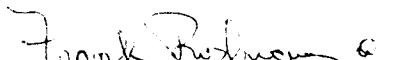
	PRECINCT 1	PRECINCT 2	PRECINCT 7	PRECINCT 10	TOTAL BALLOTS CAST
PROPOSITION					
For*	459	417	144	178	1,198
Against	301	267	101	129	798
SUM OF TOTAL PCT. VOTES	760	684	245	307	1,996

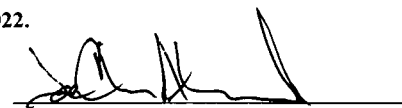
WHEREAS, THE RESIDENT QUALIFIED VOTERS VOTED TO AUTHORIZE THE ADOPTION OF A HOME RULE CHARTER FOR THE CITY OF FORT STOCKTON.

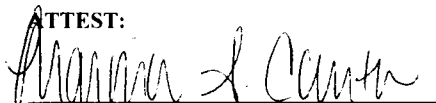
Section 3. PUBLIC MEETING:

It is further found and determined that in accordance with the order of this governing body that the City Secretary posted written notice of the date, place convenient to the public and subject, and said notice having been so posted and remaining posted continuously for at least 72 hours prior preceding the date of this meeting. A copy of the returns of said posting shall be made part of this meeting and shall be made part thereof for all intents and purposes.

PASSED AND APPROVED this 15th day of November 2022.


Frank Rodriguez III, CITY MANAGER


Joe Chris Alexander, MAYOR

ATTEST:

Marina A. Cantu, CITY SECRETARY

APPROVED AS TO FORM & LEGALITY:


Puja Boinpally, CITY ATTORNEY

RESOLUTION NO. 22-117R

A RESOLUTION ORDERING AND DECLARING THAT THE HOME RULE CHARTER APPROVED BY A MAJORITY VOTE OF THE CITIZENS OF FORT STOCKTON, TEXAS ON NOVEMBER 8, 2022 IS ADOPTED

WHEREAS, the City of Fort Stockton's population is in excess of 5,000 such that the City could propose a Home Rule Charter to the voters; and

WHEREAS, the City Council of the City of Fort Stockton selected 15 citizens of the City of Fort Stockton to review, develop, and draft a Home Rule Charter to be presented to the voters of the City of Fort Stockton; and

WHEREAS, the Fort Stockton Home Rule Charter Commission met to develop a Home Rule Charter for the City of Fort Stockton; and

WHEREAS, the City Council of the City of Fort Stockton determined that an election should be called so that the voters of Fort Stockton could determine whether to grant Home Rule status to the City of Fort Stockton; and

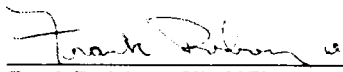
WHEREAS, an election was held on November 8, 2022 on the question of whether the City of Fort Stockton should adopt a Home Rule Charter; and

WHEREAS, at said election a majority of citizens of the city of Fort Stockton voted to adopt the Home Rule Charter.


NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT STOCKTON, TEXAS:

The City Council of the City of Fort Stockton hereby orders and declares that the Home Rule Charter approved by the Citizens of the City of Fort Stockton, Texas on November 8, 2022, is hereby adopted.

PASSED AND APPROVED this 15th day of November 2022.




Frank Rodriguez III, CITY MANAGER



Joe Chris Alexander, MAYOR

ATTEST:


Marina A. Cantu, CITY SECRETARY

APPROVED AS TO FORM & LEGALITY:


Puja Boinpally, CITY ATTORNEY

HOME RULE CHARTER
FOR
THE CITY OF FORT STOCKTON, TEXAS

PREAMBLE

We, the citizens of Fort Stockton, Texas, in order to establish a Home Rule Municipal Government, provide for the future progress of our City, obtain the full benefits of local self-government and provide for the public welfare, hereby adopt this Home Rule Charter, in accordance with the constitution and statutes of the State of Texas; and do hereby declare the residents of the City of Fort Stockton, in Pecos County, Texas, living within the legally established boundaries of the said City, to be a political subdivision of the State of Texas incorporated forever under the name and style of the “City of Fort Stockton” with such powers, rights, privileges, authorities, duties and immunities, as are herein provided.

ARTICLE I
FORM OF GOVERNMENT AND BOUNDARIES

SECTION 1.01 FORM OF GOVERNMENT

The municipal government provided by this Charter shall be known as the “City Council-Manager Government.” Pursuant to the provisions herein, and subject only to the limitations imposed by the State Constitution and state statutes, all powers of the City shall be vested in an elected city council, hereinafter referred to as the “City Council,” which shall enact local legislation, adopt budgets, determine policies, and appoint City officials as noted in this Charter, including the City Manager, who in turn shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance, the State Constitution or by state statutes.

SECTION 1.02 BOUNDARIES

The citizens of the City of Fort Stockton, Pecos County, Texas, residing within its corporate limits, as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate, in perpetuity, under the name of the “City of Fort Stockton,” with such powers, privileges, rights, duties, authorities and immunities as are herein provided.

SECTION 1.03 EXTENSION AND REDUCTION OF BOUNDARIES

- A. The boundaries of the City may be enlarged by the annexation of additional territory in any manner authorized by law.

- B. Whenever, in the opinion of the City Council, there exists within the corporate limits of the City and territory, either inhabited or uninhabited, not suitable, or necessary for City purposes, the City Council may, upon a public hearing and by ordinance duly passed, discontinue said territory as part of the City.

**ARTICLE II
POWERS OF THE CITY**

SECTION 2.01 GENERAL POWERS OF THE CITY

The City shall have all powers and rights of self-government and home rule that exist now or may be granted to municipalities by the Constitution and laws of the State of Texas, together with all of the implied powers necessary to carry into execution such granted powers, unless such power of right is expressly prohibited or restricted by this Charter.

**ARTICLE III
THE CITY COUNCIL**

SECTION 3.01 COMPOSITION; TERM

- A. The City Council shall be composed of a Mayor (the “Mayor”) and five (5) City Council Members (individually referred to as “Council Members”) (the Mayor and Council Members collectively referred to as “Members of City Council” or the “City Council”).

- B. The Mayor shall be elected at large, and each Council Member shall be elected at large but by Place. The term of office for Members of City Council shall be three (3) years. Members of City Council shall hold office until their successor qualifies and takes office.

- C. The currently elected Mayor and the five currently elected Aldermen terms carry over, merge into and shall occupy the new offices of Mayor and the five new Council Member Places. The two incumbent Aldermen holding office for terms which expire in 2023 shall draw straws for Place 1 and Place 2. The three incumbent Aldermen holding office for

terms which expire in 2024 shall draw straws for Place 3, Place 4, and Place 5. Beginning in 2023 Places 1 and 2 shall be elected to office for a three-year term. Beginning in 2023 the Mayor shall be elected to office for a three-year term. Beginning in 2024 Places 3, 4 and 5 shall be elected to office for a three-year term.

SECTION 3.02 LIMITATIONS ON TERMS

This Charter does not restrict or place limitations on the number of terms any one person may serve.

SECTION 3.03 QUALIFICATIONS OF CITY COUNCIL

In addition to any other qualifications prescribed by law, the Mayor and each Council Member shall meet the qualifications set forth in Section 5.02 of this Charter while in office.

SECTION 3.04 MAYOR, OR MAYOR PRO-TEM

- A. The Mayor shall preside at meetings of the City Council and shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall vote as a member thereof on legislative or other matters, and shall have no power to veto.

- B. The Mayor Pro-Tem shall be a Council Member elected by the City Council at the first meeting in June following the general election. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor. If a vacancy occurs in the office of the Mayor Pro-Tem, the City Council shall elect a new Mayor Pro-Tem at the next regular meeting after the vacancy occurs.

SECTION 3.05 VACANCIES, FORFEITURE AND FILLING OF VACANCIES

- A. The office of a Council Member or the Mayor shall become vacant upon his or her death, resignation, forfeiture of office, or removal from office by any manner authorized by law.

- B. A Member of City Council shall forfeit their office if they:
 - 1. cease to possess the required qualifications for office;

 - 2. are convicted of a felony, or of a misdemeanor involving moral turpitude;

3. are convicted of violating any state laws regulating conflicts of interest of municipal officers; or
 4. cease to be a resident of the City.
- C. Every forfeiture shall be declared and enforced by the City Council.
- D. In the event of a vacancy in the City Council, if there are 365 days or more remaining on the term of the vacated City Council office, the City Council shall call a special election to fill such vacancy. If there are less than 365 days remaining in the term of the vacant City Council office, the City Council may, by majority vote of the remaining Members of City Council, at its discretion, leave the office vacant, appoint a new Mayor or Council Member to fill such vacancy, or call a special election to fill such vacancy.

SECTION 3.06 POWERS OF THE CITY COUNCIL

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Except where in conflict with and otherwise expressly provided by this Charter, the City Council shall have all powers authorized to be exercised by the Constitution and laws of the United States and the State of Texas.

SECTION 3.07 PROHIBITIONS

- A. Except where authorized by law or by this Charter, no Mayor or Council Member shall hold any other City office or City employment during his or her term as Mayor or Council Member. No former Mayor or Council Member shall hold any compensated appointive office or City employment until one (1) year after the expiration of the term for which they were elected or appointed to the City Council.
- B. Members of the City Council shall not in any way dictate the appointment or removal of the City administrative officers or employees appointed by the City Manager or any of the City Manager's subordinates. The City Council, at a meeting called for that purpose, may express its views fully and freely and discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees.
- C. Except for the purpose of inquiries and investigations as provided by this Charter, Members of the City Council shall interact with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager. Neither

Members of City Council nor the City Council shall give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

SECTION 3.08 MEETINGS OF THE CITY COUNCIL

The City Council shall hold such monthly meetings as necessary to efficiently conduct the affairs of the City. The City Council shall set the date and time of its regular meetings by resolution.

SECTION 3.09 QUORUM

Four (4) Members of the City Council shall constitute a quorum for the purpose of transaction of business. No action of the City Council, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the City Council present and qualified to act.

SECTION 3.10 RULES OF PROCEDURE; ABSTENTIONS

- A. City Council shall adopt rules of procedure for its meetings.
- B. All Members of City Council shall vote on all matters before the City Council unless state law requires them to abstain.

SECTION 3.11 PASSAGE OF ORDINANCES IN GENERAL

- A. The City Council shall legislate by ordinance only, and the enacting clause of every ordinance shall read:

“Be it ordained by the City Council of the City of Fort Stockton, Texas...”.
- B. Each proposed ordinance shall be introduced in the written or printed form required for adoption and shall contain a title or caption that fairly and accurately identifies the subject(s) addressed in the ordinance.
- C. Every ordinance shall become effective upon adoption or at any later time(s) specified in the ordinance, except that every penal ordinance imposing any penalty, fine or forfeiture shall become effective only after having the descriptive title or caption of the same published at least one time after final passage in a newspaper designated as the official newspaper of the City.

- D. If a majority of the City Council present at a City Council meeting request that an ordinance title and caption or the entirety of an ordinance be read, it shall be read.

SECTION 3.12 AUTHENTICATION, RECORDING, CODIFICATION, PRINTING AND DISTRIBUTION

- A. All ordinances and resolutions adopted by the City Council shall be authenticated by seal and signature of the person performing the duties of the City Secretary and numbered consecutively as adopted. They shall be properly indexed and placed in a book kept open for public inspection.
- B. The City Council may maintain the codification of ordinances of the City. This codification shall be known and cited as “The Fort Stockton City Code” and shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when codified. Every general ordinance enacted subsequent to such codification shall be enacted as an amendment to the code. General ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the City at large. Copies of the code shall be furnished to City officers, placed in City offices and made available for purchase by the public at a reasonable price to be determined by the City Council, not to exceed the costs permitted by state law.

SECTION 3.13 INVESTIGATIONS BY THE CITY COUNCIL

- A. Notwithstanding the provisions of subsection (B), the City Council may initiate investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths and take testimony and require the production of evidence. They also may, by ordinance, provide for a misdemeanor offense for the conduct of a person who fails or refuses to obey a lawful order issued in the exercise of this power as a collective body.
- B. Except for the purpose of inquiries and investigations provided for in subsection (A) the Council Members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager and neither the City Council nor Members of City Council shall give orders to or reprimand any such officer or employee, either publicly or privately.

**ARTICLE IV
DEPARTMENTAL SERVICES**

SECTION 4.01 CITY MANAGER

- A. The City Council shall, upon approval of a majority vote of the City Council, appoint a City Manager who shall be the chief administrative and executive officer of the City, and shall be responsible to the City Council for the administration of the affairs of the City.

- B. The City Manager shall be chosen by the City Council based solely on executive and administrative training, experience, and ability.

- C. The City Council shall fix the compensation of the City Manager and the City Manager's compensation may be amended, from time to time, in accordance with the City Manager's experience, qualifications and performance.

- D. The City Manager may be removed or suspended, with or without cause, subject to any contractual arrangements that may exist between the City Council and the City Manager, at the discretion of the City Council by the affirmative vote of a majority of the City Council.

- E. In the case of the absence, disability or suspension of the City Manager, the City Council may designate a temporary qualified individual to perform the duties of the office.

- F. The City Manager may or may not be a resident of the City of Fort Stockton when appointed; however, the City Manager shall become a bona fide resident of the City of Fort Stockton within six (6) months of appointment and thereafter such residence shall be a requirement of continued employment as City Manager.

SECTION 4.02 CITY SECRETARY

- A. The City Council shall, upon the affirmative vote of a majority of the City Council, appoint a City Secretary who shall perform such duties as may be required by City Council, said duties not to conflict with the duties, obligations, and responsibilities of the City Manager.

- B. The City Secretary may be removed or suspended, with or without cause, at the discretion of the City Council by the affirmative vote of a majority of the City Council.

SECTION 4.03 MUNICIPAL COURT

- A. The City Council shall establish and cause to be maintained a Municipal Court. The Court shall have all the powers and duties as may be prescribed by State Law.
- B. Municipal Judge(s) and alternate Municipal Judge(s) shall be appointed by the City Manager.
- C. The Municipal Judge(s) of the Municipal Court shall be appointed to a term of two (2) years. The Municipal Judge(s) may be removed from office, with or without cause, at any time by the City Manager.

SECTION 4.04 CITY ATTORNEY

- A. The City Council shall appoint, by the affirmative vote of a majority of the City Council a competent, duly qualified licensed and practicing attorney in the State of Texas who shall serve as the City Attorney.
- B. The City Attorney shall be the legal advisor and attorney for the City and all its departments and officers in the City and shall represent the City in all litigation except where insurance requirements dictate otherwise; however, the City Council may retain special counsel at any time it deems necessary or advisable to represent the City, the City Council, the individuals making up the City Council or City employees.
- C. The City Attorney shall review and provide opinions, as requested by the City Council or City Manager on contracts, legal instruments, ordinances of the City and other City business.
- D. The City Attorney and any appointed Special Counsel shall receive compensation as determined by the City Council.
- E. The City Attorney may be removed, with or without cause, by the affirmative vote of the City Council.
- F. The City Attorney, with the approval of the City Council, may select additional attorneys to act for the City Attorney and the City in its representation.

SECTION 4.05 ADMINISTRATIVE DEPARTMENTS, OFFICES AND AGENCIES

The City Council may, after hearing recommendations of the City Manager, establish, abolish, redesignate and/or combine departments, offices or agencies in addition to those provided for by this Charter, and may prescribe the functions and duties of such departments, offices and agencies.

**ARTICLE V
NOMINATIONS AND ELECTIONS**

ELECTION 5.01 CITY ELECTIONS

- A. All City elections shall be conducted in accordance with the state law.
- B. The regular City election shall be held at such times as required by this Charter and on a date set by ordinance by City Council. The City Council shall be responsible for specification of locations for holding such elections.

SECTION 5.02 FILING FOR OFFICE

- A. Candidates for elective City office shall file for office in accordance with the Texas Election Code.
- B. In addition to the requirements of State law, candidates for elective City offices shall meet the following qualifications:
 - 1. Shall be at least twenty-one (21) years on the first day of the term to be filled at the election or on the date of appointment, as applicable;
 - 2. Have resided within the corporate limits of the City, or recently annexed territory, for at least twelve months immediately preceding the date of the regular filing deadline for a candidate's application for a place on the ballot. For a write-in candidate the date of the election at which the candidate's name is written in, or on the date of appointment, as applicable; and
 - 3. Shall not have been recalled from City Council within three (3) years preceding the date of the election or appointment, as applicable, and the end of the term during which they were recalled.

- C. No candidates for elective City office may file in a single election for more than one (1) office or position as provided for in this Charter.

SECTION 5.03 OFFICIAL RESULTS

The candidate for elective office receiving a majority of votes cast shall be declared the winner. If no candidate receives a majority of votes cast for any one place at such election, the City Council shall upon completion of the official canvass of the ballots, issue a call for a runoff election to be held in accordance with the Texas Election Code

SECTION 5.04 TAKING OF OFFICE

Each newly elected person to the City Council shall be inducted into office at the first regular City Council meeting following the canvass of the votes.

**ARTICLE VI
RECALL, INITIATIVE AND REFERENDUM**

SECTION 6.01 SCOPE OF RECALL

Any elected City official shall be subject to recall and removal from office by the registered voters of the City on grounds of incompetency, misconduct or malfeasance in office.

SECTION 6.02 PETITIONS FOR RECALL

Before the question of recall of such officer is submitted to the registered voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of City Secretary, which said petition must be signed by ten percent (10%) of those registered to vote at the City's last general election. Each signer of such recall petition shall provide all requisite information as required by the Texas Election Code and this Charter.

SECTION 6.03 FORM OF RECALL PETITION

The recall petition must be addressed to the City Council, must be distinctly and specifically reference to the grounds upon which such petition for removal is predicated, and, if there be more than one (1) ground, the petition shall reference as a ground one or more of the reasons or grounds for removal of a city officer other than a mere loss of confidence.

The signature shall be verified by oath in the following form.

“State of Texas”
County of Pecos

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

Signature

Sworn and subscribed before me this ____ day of _____, 20____.
Signed _____

Notary Public in and for

State of Texas

SECTION 6.04 VARIOUS PAPERS CONSTITUTING PETITION

Any petition shall, at a minimum, meet the requirements for valid petitions under the Texas Election Code. The petition may consist of one (1) or more copies or subscription lists, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other paper attached thereto. Verifications provided for in Section 6.03 of this Article may be made by one (1) or more petitioners, and the several parts of copies of the petition may be filed separately and by different persons. All papers comprising a recall petition shall be filed with the City Secretary on the same day, and the City Secretary shall immediately notify, in writing, the officer so sought to be removed, by mailing such notice to the officer’s City address.

SECTION 6.05 PRESENTATION OF PETITION TO THE CITY COUNCIL

Within thirty (30) business days after the date of the filing of the papers constituting the recall petition, the City Secretary shall verify the signatures on the petition and, if the petition is determined to be legally sufficient, present such petition to the City Council.

SECTION 6.06 CALLING OF RECALL ELECTION

If the officer whose removal is sought does not resign, then the City Council shall order an election and set the date for holding such recall election. The date selected for the recall election shall be in accordance with the Texas Election Code. If after the recall election date is established, the

officer vacates his or her position, the election shall be cancelled unless such cancellation is not authorized under state law.

SECTION 6.07 BALLOTS IN RECALL ELECTION

Ballots used at recall elections shall conform to the following requirements:

A. With respect to each person whose removal is sought, the question shall be submitted:

“Shall _____ be removed from the office of _____ by recall?”

B. Immediately below each such question there shall be printed the following words, one above the other, in the order indicated:

“Yes”

or

“No”

SECTION 6.08 RESULT OF RECALL ELECTION

If a majority of the votes cast in the election are negative for recall, then the election shall not result in recall and the officer may finish his or her term of office as if no petition had been filed. If a majority of the votes cast in the election are affirmative for recall, then the election shall result in recall and a vacancy shall be declared in that office and the unexpired term shall be filled by the City Council.

SECTION 6.09 RESTRICTIONS ON RECALL

No recall petition shall be filed against any officer of the City within six (6) months after the officer’s election, or within six (6) months of the end of the elected officer’s term.

SECTION 6.10 GENERAL POWER OF INITIATIVE AND REFERENDUM

The registered voters of the City, in addition to the method of legislation herein before provided, shall have the power of direct legislation by initiative and referendum.

A. Initiative: Such power shall not extend to any ordinance not subject to initiative as provided by state law.

- B. Referendum: Such power shall not extend to any ordinance not subject to initiative as provided by state law.

SECTION 6.11 INITIATIVE

Registered voters of the City may initiate legislation by submitting a petition addressed to the City Council that requests the submission of a proposed ordinance to a vote of the registered voters of the City. Said petition must be signed by ten percent (10%) of the voters registered to vote in the previous City's general election and each copy of the petition shall have attached to it a copy of the proposed ordinance. The petition shall be signed in the same manner as recall petitions are signed, as provided in this Article, and shall be verified by oath in the manner and form provided for recall petitions in this Article. The petition may consist of one (1) or more copies as permitted for recall petitions. The petition shall be filed with the City Secretary. Within thirty (30) business days after the filing of such petition, the City Secretary shall verify the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition and proposed ordinance to the City Council. Upon presentation to the City Council, it shall become the duty of the City Council, at the first regularly scheduled City Council meeting after the receipt thereof, to pass and adopt such ordinance without alteration as to meaning or effect in the opinion of the persons filing the petition, or to call a special election, to be held on the first uniform election date authorized by state law, at which the registered voters of the City shall vote on the question of adopting or rejecting the proposed ordinance.

SECTION 6.12 REFERENDUM

Registered voters of the City may require that any ordinance passed by the City Council and subject to the initiative process under this Charter be submitted to the voters of the City for approval or disapproval, by submitting a petition for this purpose within sixty (60) days after final passage of said ordinance. Said petition shall be addressed, signed and verified as required for recall petitions in this Article and shall be submitted to the City Secretary. Within thirty (30) business days after the filing of such petition, the City Secretary shall verify the signatures on the petition and, if the petition is determined to be legally sufficient, present said petition to the City Council. Thereupon the City Council shall immediately reconsider such ordinance and, if the City Council does not entirely repeal the same, shall submit it to popular vote on the next authorized uniform election date. Pending the holding of such election, each ordinance shall be suspended from taking effect and shall not later take effect unless a majority of the registered voters voting thereon at such election shall vote in favor thereof. If a majority of the registered voters voting on any proposed ordinance shall vote in favor thereof, it shall thereupon or at any time fixed therein, become effective as a law.

SECTION 6.13 FORM OF BALLOTS

The ballots used when voting upon such proposed and referred ordinance shall set forth their nature sufficiently to identify them and shall also set forth upon separate lines the words: “For the Ordinance” or “Against the Ordinance”.

SECTION 6.14 INCONSISTENT ORDINANCES

If the provisions of two (2) or more proposed ordinances approved at the same election are inconsistent, the ordinance receiving the highest number of votes shall prevail. Should the vote on the inconsistent ordinances result in a tie then both ordinances shall fail.

SECTION 6.15 ORDINANCES PASSED BY POPULAR VOTE, REPEAL OR AMENDMENT

No ordinance adopted by election under the provisions of this Article may be repealed or amended for a period of two (2) years from the date of adoption except by the City Council in response to a referendum or initiative petition as provided in this Article. Upon the expiration of two (2) years from the date of adoption, the City Council may amend or repeal any such ordinance upon a three-quarters vote of the City Council. For purposes of calculating the two-year period herein, “date of adoption” shall mean the date of the election.

**ARTICLE VII
GENERAL PROVISIONS**

SECTION 7.01 SEVERABILITY

If any section or part of this Charter is held invalid by a court of competent jurisdiction, such holding shall not invalidate or impair the validity, force or effect of any other section or part of this Charter.

SECTION 7.02 WORDING INTERPRETATION

The gender of the wording throughout this Charter shall always be interpreted to mean either sex. All singular words shall include the plural and all plural words shall include the singular. All references to the state law or laws of the State of Texas, however expressed in this Charter, shall mean “as presently enacted or as may be amended or superseded.” The use of the word “City” in this Charter shall mean the City of Fort Stockton, Texas, and the use of the word “Charter” shall mean this Home Rule Charter.

ARTICLE VIII LEGAL PROVISIONS

SECTION 8.01 SERVICE OF PROCESS AGAINST THE CITY

All legal process against the City shall be served upon either the City Secretary or the City Manager.

SECTION 8.02 PENDING MATTERS

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter, and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

SECTION 8.03 PROPERTY NOT EXEMPT FROM SPECIAL ASSESSMENTS

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by non-profit organization, or corporation, or by foundation, or otherwise, except property of the City, shall be exempt in any way from any of the special taxes, charges, levies and assessments, authorized or permitted by this Charter for local improvements for the public welfare.

SECTION 8.04 CITY COUNCIL MAY REQUIRE BONDS

In addition to any provisions contained herein, the City Council may require any City official, department director or City employee, before entering upon his or her duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the City Council. The premium of such bond shall be paid by the City.

SECTION 8.05 DISASTER CLAUSE

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving members of City Council, or if no member of City Council remains, the following surviving City officials: municipal judge, alternate municipal judge(s), and the city attorney; shall within 24 hours of such disaster appoint a number of qualified residents equal to the number necessary to make a quorum to act during the emergency as the City Council. If for good reasons it is known a quorum of the elected City Council will never again meet, the newly appointed City Council shall, within 15 days of their appointment, call a City election to be held as soon as authorized under law for election to the vacant offices. If it is determined that a quorum of the elected City Council will meet again, the newly appointed Council

Members shall serve in their position until such time as the previous Council Members may again begin serving.

SECTION 8.06 NO WAIVER OF IMMUNITY

Nothing in this Charter is intended to waive the City's governmental immunity from suit and/or damages.

**ARTICLE IX
TRANSITIONAL PROVISIONS**

SECTION 9.01 EFFECTIVE DATE

This Charter or any amendments hereto shall take effect immediately following adoption by the voters, as prescribed by state law.

SECTION 9.02 CONTINUATION OF ELECTIVE OFFICES

Upon adoption of this Charter, the present persons filling elective offices on the City Council will continue to fill those offices for the terms for which they were elected. Persons who, on the date this Charter is adopted, are filling appointive positions with the City which are retained under this Charter, may continue to fill these positions for the term for which they were appointed, unless removed by the City Council or by other means provided in this Charter.

SECTION 9.03 CONTINUATION OF OPERATION

All City ordinances, bonds, resolutions, rules and regulations in force on the effective date of this Charter shall remain in force until altered, amended or repealed by the City Council, and all rights of the City under existing franchises and contracts are preserved in full force and effect.